

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the instant amendments and following remarks.

Claims 1 - 10 are pending in the application. Claim 1 has been amended. Support for the amendment to claim 1 can be found throughout the specification. No new matter has been introduced by the instant amendments.

Claims 8 and 9 stand withdrawn from consideration as being directed to a non-elected invention.

Rejection under 35 U.S.C. §112, first paragraph

In the Office Action, claims 1, 4 and 5 were again rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner stated that "Applicant has not shown how "flatness" is distinguished from surface waviness." Office Action at page 3, Section 6. The rejection is traversed.

Applicants contend that the present specification describes the measurement of "flatness" and that one of ordinary skill in the art would understand the meaning of the term "flatness" and how to measure this property. As provided by the specification at page 27, a low-pressure probe or non-contact laser probe is used in a three-dimensional structure measuring apparatus to measure the three-dimensional distortion of the structure by measuring the vertical position of the flat portion (1A) within 2 mm of the periphery of the flat portion at eight locations on the surface (corresponding to the corners of the flat portion and four intermediate positions about the periphery of the flat portion). The flatness is then calculated by least square regression from the variances in height measurements for the eight data points.

As an illustration, attached hereto as Exhibit A is a photograph of a molded product. It can be seen that the container body of the molded product is warped – i.e.,

has poor "flatness." A container body having good "flatness" would have little or no warping of the sort shown in the photograph of Exhibit A.

As shown in Exhibit A, a specimen of a molded container is placed on a corrected surface plate. The difference in distance from the standard surface in a region not less than 2 mm from an outer periphery of the flat portion of the container is measured at four or more points. The warp (flatness) is then calculated by the least squares method.

Applicants submit that one of ordinary skill in the art would readily understand the term "flatness" and would understand how this property is measured. Applicants therefore contend that the claims fully comply with the requirements of 35 U.S.C. §112, first paragraph.

Applicants further submit that the present specification describes the measurement of "surface waviness" and "sink mark" depth and that one of ordinary skill in the art would understand the meanings of the terms and how to measure these properties.

In addition to the description in the specification as filed, as discussed in previously previous responses, the properties of "surface waviness" and "sink mark depth" can be illustrated by reference to the photograph attached hereto as Exhibit B. In Exhibit B, the container body of the molded product can be seen to have poor "surface waviness" and "sink mark depth." The surface of the molded product in the photograph is illuminated by a fluorescent lamp; if the container body had good "surface waviness" and "sink mark depth," the image of the fluorescent lamp would be more clearly visible. The surface waviness and sink mark depth are measured by use of a surface roughness tester. A profile obtained from this measurement is shown in Exhibit C, titled "Primary Profile."

The measurement of "surface waviness" is clearly described on page 28, lines 3-8 of the specification as filed. As described thereon, the surface waviness is obtained

by measuring the difference between a maximum height and a minimum height which are parallel with an ideal plane of the surface to be measured, over a maximum measuring length of 30 mm.

The measurement of sink mark depth is clearly described, e.g., at page 28, lines 14-21 of the specification as filed. First, a waviness curve is generated and then, from the waviness curve, a distance between a tangent line of a higher inflection point and a tangent line of a lower inflection point is determined.

Still further, on page 28, lines 22-23 of the specification as filed, it is stated that the "surface waviness" and "sink mark depth" are measured according to the methods of JIS B 0601-2001, a copy of which was provided with the response to a previous Office Action. In sections 3.1.4 and 3.1.5 of JIS B 0601-2001, the surface profile and primary profile of a surface are explained. Moreover, in Figure 2 of JIS B 0601-2001, there is an explanation of a profile including a higher point and a lower point as profile elements. The terms "surface waviness" and "sink mark depth" are used consistent with the description in the art.

Thus, the present specification provides a clear, full, concise and exact description as required by 35 U.S.C. §112. Claims 1 (as amended), 4, and 5, are fully compliant with the requirements of 35 U.S.C. §112, including the written description requirements of §112, first paragraph. Reconsideration and withdrawal of the rejection is proper and such action is requested.

Rejection under 35 U.S.C. §103(a), first paragraph

Claims 1-7 and 10 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bird in view of Satake and in further view of Sylvester. The rejection is traversed.

Claim 1, as amended, is directed to an *injection molded* resin container comprising a container body and a lid for closing the container body. As further

provided by amended claim 1, the container body and recessed flat portion are formed by injection-molding.

No combination of the art of record teaches or suggests forming an *injection molded* resin container. More particularly, no combination of the cited art teaches or suggests an *injection molded* resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the container body and recessed flat recessed flat portion are formed by injection-molding.

As noted by the Office Action, the pockets are thermoformed in a pre-formed sheet or film, which may be formed by injection molding. Thus, Bird neither teaches nor suggests injection-molding a resin to form a container body or forming a recessed flat portion of the container body by injection-molding.

As the reference is understood, Bird recites at column 12, lines 44-58 the formation of carrier tapes prepared by shaping pockets into a sheet of polymeric material. Thus, in one method of making carrier tapes, a flexible thermoplastic polymer is first formed into a sheet and then secondly thermoformed to introduce pockets into the sheet. Bird teaches that the sheet can be obtained by providing a preformed role or sheet, by direct extrusion, or by continuous injection molding. After providing the flexible thermoplastic polymer sheet, the sheet is then thermoformed in a mold or die to introduce the pockets.

Injection molding is a method of making articles which is completely different from thermoforming such that one of ordinary skill in the art can readily distinguish between articles prepared by injection molding and those prepared by thermoforming.

Thus, Bird does not teach *injection molded* resin containers having a container body composed of an injection molded amorphous thermoplastic resin or a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding, as recited by pending claim 1 (and the remaining claims which depend therefrom).

Neither Sylvester nor Satake overcome the limitations of the Bird reference. More particularly, neither Sylvester nor Satake teach or suggest an injection molded resin container comprising a container body having a recessed flat portion defined by a peripheral rise portion wherein the recessed flat portion is formed by injection-molding.

Although the Examiner stated that "Applicant does not claim that the container is [] injection molded," Office Action at page 4, Section 5, Applicants respectfully point out that claim 1, as amended, is directed to an *injection molded* resin container comprising a container body and a lid for closing the container body. Applicants respectfully submit that the claimed invention is not taught or suggested by any of the cited references, whether taken alone or in combination.


For at least the reasons discussed *supra*, one of ordinary skill in the art would not have been motivated to prepare the resin containers provided by the instantly claimed invention. Thus, withdrawal of the §103(a) rejection and reconsideration of the claims is requested.

Early and favorable consideration of the application and claims as amended is earnestly solicited.

Applicants request any extension of time required for response. Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Dated: July 24, 2006
Customer No. 21874

Respectfully submitted,

By 

Mark D. Russett
Registration No.: 41,281
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant